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THE IMPLICATIONS OF NEPAD FOR LOCAL GOVERNMENT IN SOUTH AFRICA

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I. Introduction

The New Partnership for Africa's Development (NEPAD) is a programme for African renewal, setting out a framework for continental development within the context of a liberalised, globalised international economy. Many of the ideas and proposals contained therein are pitched, accordingly, at the national and supra-national levels. Although the document recognises the importance of citizen involvement in the development process, the developmental role of local government receives little attention.

A review of the NEPAD document and the supporting materials that have been developed to flesh out the framework demonstrates that, nonetheless, the NEPAD initiative will have clear direct and indirect effects on local government in South Africa. The NEPAD agenda includes areas that are within the direct competency of local governments; further, an important component focuses on governance, which ultimately will include governance at the local level. As such, NEPAD presents challenges and opportunities for local government in South Africa: both through its possible effects, and the frameworks it may provide for future development at the community level.

This paper will endeavour to identify the components of the NEPAD programme that are likely to have an impact on local governments. These include:

- Political and economic governance initiatives, including a peer review mechanism to assess performance
- Programmes to develop the Information and Communications Technology (ICT) sector, particularly in the area of e-governance
- Infrastructure programmes, including the development of water and sanitation facilities
- A human resource development initiative calling for decentralisation in the provision of social services
- An environment initiative, including programmes concerning municipal waste management
- A programme to develop tourism
- A set of principles to guide new development initiatives, including an emphasis on public-private partnership

Following a brief review of the history and an overview of the initiative, the programmatic elements of NEPAD will be discussed. A review of some initiatives already implemented under the rubric of

NEPAD will follow. The paper will conclude with a summary of areas to which local governments in South Africa should pay attention in the future with respect to NEPAD's implementation.

II. Background to NEPAD

The document adopted by the NEPAD heads of state implementation committee in October 2001, setting out the purpose and structure of the New Partnership for African Development (NEPAD), was the culmination of several initiatives developed concurrently by African leaders in 2000-2001. The first of these was the Millennium Partnership for Africa's Recovery (MAP), a joint project of President Mbeki of South Africa, President Obasanjo of Nigeria, and President Bouteflika of Algeria under the auspices of the Organization of African Unity (OAU). The second was the OMEGA plan, developed by the President of Senegal, Abdoulaye Wade. The third was the UN Economic Commission's Compact for Economic Recovery.¹ In May 2001, a joint conference of the continent's ministers of finance and economic planning resulted in the merger of the three initiatives, under the title of the "New African Initiative", to be managed by an implementation committee of the OAU (by a mandate of the Organization's summit in July, 2001). The initiative was renamed NEPAD in October 2001 and established with a secretariat in South Africa.

NEPAD has no legal status in its own right; rather, it is a framework for managing African development and relationships with donor countries in the future. The mechanisms for its implementation referred to in the constituting document have been set up under the auspices of the African Union (AU), a newly-created organization with a more extensive mandate and structure than the existing Organization for African Unity (OAU), with the goal of progressing towards continental unity at the political and socio-economic level.² The NEPAD implementation committee reports to the African Union summit.

NEPAD was formally presented to the heads of state of G8 members at the summit at Kananaskis, Canada, in June 2002. Over the course of 2002, the General Assembly of the United Nations (UN) adopted three resolutions identifying NEPAD as the framework for engagement with Africa; the UN Secretary General has also directed all UN agencies operating in Africa to work and coordinate their policies within the context of the NEPAD framework.³

¹ De Waal, A. 2002. What's new in the New Partnership for Africa's Development?, *International Affairs* 78(3): 463-475.

² African Union. 2000. *Constitutive Act of the African Union*, Lome. article 3 (hereafter Constitutive Act of the AU).

³ Obasanjo, O. 2003. Progress Report of H.E. Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria and Chairperson of the NEPAD Heads of State and Government Implementation Committee (HSGIC) to the Second Ordinary Session of the Assembly of the Heads of State and Government of the African Union, Assembly/ AU/ Rpt (II), Second Ordinary Session, pp. 6-7

III. Overview of NEPAD

The NEPAD document is divided into seven sections and sets out the background to the initiative, as well as providing a list of its constituent elements. A final section addresses implementation. While the document is relatively lengthy, containing 207 paragraphs, it provides only the broad outlines of the work to be undertaken. More concrete plans for implementation are to be developed by working groups on each of the various sections. In many cases, the implementation plans have already been elaborated, often in cooperation with the relevant United Nations body.

NEPAD is described as:

[...] a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development, and at the same time to participate actively in the world economy and the body politic.⁴

The program is a call for a “new relationship of partnership” with developed countries.⁵

NEPAD identifies the problem of the weak state as a constraint to sustainable development in many countries; consequently, one of the continent’s major challenges is seen as the strengthening of the capacity to govern and develop long-term policies.⁶ However, the greatest emphasis is given to the capacity of Africa to participate in the process of globalisation in a manner that contributes to the development of the continent, rather than exacerbating existing inequalities. NEPAD calls for a commitment on the part of governments, the private sector and civil society to the genuine integration of all nations into the global economy and body politic.⁷

The NEPAD agenda is “based on national and regional priorities and development plans that must be prepared through participatory processes involving the people.”⁸ To this end, the document sets out a number of areas for which African leaders will take responsibility, including the following, which relate directly to local government:

- Promoting democracy and human rights, by developing “clear standards of accountability, transparency and participatory governance at the national and sub-national levels;”

⁴ NEPAD, The New Partnership for Africa’s Development, October 2001 (hereafter NEPAD document), para 1

⁵ Ibid., para 8

⁶ Ibid., para 22-23

⁷ Ibid., 41

⁸ Ibid., 47

- Promoting the role of women in development, by assuring their participation in the political and economic life of African countries; and
- Building the capacity of African states to set and enforce the legal framework and maintain law and order.

Less directly within the responsibility of local government in South Africa, but nonetheless important, are the objectives of revitalizing and extending education, health and technical services, with a focus on tackling HIV/AIDS and other communicable diseases. Further goals include:

- Restoring macro-economic stability by developing standards for fiscal and monetary policies;
- Instituting transparent legal and regulatory frameworks;
- Strengthening regional conflict prevention and resolution mechanisms; and
- Promoting the development of infrastructure, agriculture and diversification of agro-industries.⁹

The objective of the NEPAD programme is to ensure that the Integrated Development Goals (including reduction of the proportion of people in extreme poverty by half by 2015; and implementation of national strategies for sustainable development) are achieved by 2015.¹⁰ The components of this initiative are set out in the Programme for Action, which is subdivided into three areas: Conditions for Sustainable Development, Sectoral Priorities, and Mobilising Resources. The section on Sectoral Priorities is the most detailed, addressing such subtopics as bridging the infrastructure gap, human resources development initiative, agriculture, the environment, culture, and science and technology platforms.¹¹ Capital flows and market access initiatives are addressed with the context of mobilising resources.¹²

According to NEPAD, Africa provides great opportunities for investment, notably in the development of infrastructure, such as ICT and transportation. Further, Africa provides prospects for partnerships between the private and public sectors in areas including tourism, agro-industries, and addressing the challenges of urban renewal and rural development.¹³ However, there is a need to establish new relationships with development partners, in particular by setting out mutually agreed performance targets and standards by both donors and recipients.¹⁴

⁹ Ibid., para 49

¹⁰ Ibid., para 68

¹¹ Ibid., paras 99-146

¹² Ibid., paras 147-173

¹³ Ibid., paras 177- 178

¹⁴ Ibid., para 186

Four programmes are identified for fast tracking, in collaboration with development partners: communicable diseases, including HIV/AIDS, malaria, and tuberculosis; information and communications technology; debt reduction; and market access.¹⁵ A number of particular projects are also “crucial to an integrated regional development”, including agriculture (expansion of the land and water management action plan for Africa, which addresses upgrading of the continent’s fragile agricultural base); promotion of the private sector (through establishment of business incubators); infrastructure and regional integration, in a manner that links the two; and needs assessment in the five priority sectors.¹⁶

The human rights content of NEPAD is scarce, and the connections between the NEPAD programme and the fulfilment of the socio-economic rights obligations of member states are difficult to draw.¹⁷ Further, it has been pointed out that the NEPAD document makes no reference at all to integrating human rights into the development programme, and while it notes that human rights are integral to development, fails to identify the need to strengthen existing human rights institutions, including the African Commission.¹⁸

Local government, as a mechanism for delivery of developmental goals, and as a component of central aspects of the programme such as governance, also receives scant attention in the NEPAD document. Nonetheless, implementation of the NEPAD agenda will have direct and indirect effects on government at the local level. The paper now turns to a more detailed analysis of how certain elements of the NEPAD programme will affect local government in South Africa.

IV. NEPAD and local government

Governance

The NEPAD project is underpinned by a commitment to improving the quality of governance in Africa;¹⁹ indeed, this is seen as a fundamental *quid pro quo* for transforming the nature of the relationship by donor countries.²⁰ A cornerstone of the NEPAD program, accordingly, is the

¹⁵ Ibid., para 189

¹⁶ Ibid., paras 193-198

¹⁷ Wolimba, G.P. 2002. *Realising the Right to an Adequate Standard of Living through the New Partnership for Africa's Development (NEPAD)*. Pretoria: University of Pretoria (LLM thesis).

¹⁸ Baimu, E. 2002. Human Rights in NEPAD and its implications for the African human rights system. *African Human Rights Law Journal* 2: 301-319 at p. 310

¹⁹ De Waal, supra note 1, p. 465

²⁰ Central to this is the African Peer Review Mechanism, discussed below. United Nations. 2003. *The New Partnership for Africa's Development: first consolidated report on progress in implementation and international support: Report of the Secretary General*. (A/58/254) (hereafter United Nations Report), para 8

Peace, Security, Democracy and Good Governance Initiative found in Part V.A: Conditions for Sustainable Development.

The Peace, Security and Political Governance Initiative focuses on promoting conditions for development and security; building capacity for conflict resolution; and instituting commitment to the core values of NEPAD through leadership.²¹ Five capacity-building initiatives will be implemented, which may affect local governments through reform in the following areas:

- Administrative and civil services;
- Strengthening parliamentary oversight;
- Promoting participatory decision-making;
- Adopting measures to combat corruption and embezzlement;
- Undertaking judicial reforms.²²

Progress will be assessed through the Heads of State Forum on NEPAD, which will also provide a forum for sharing best practices and assessing good governance.²³ The mechanism developed in order to carry out this element of the NEPAD program is the African Peer Review Mechanism (APRM), discussed more fully below.²⁴

The NEPAD Declaration on Democracy, Political, Economic and Corporate Governance expands upon the general principles elaborated in the NEPAD document. Consistent with the overall NEPAD agenda, the emphasis of the Peace, Security and Political Governance Initiative is clearly on enhancing governance at the national and supranational levels. Nonetheless, the proposals in question may have a spill over effect with respect to local government. For example, the actions proposed to enhance democracy and the democratic process include ensuring that member states' national constitutions reflect the ethos of democracy. However, the program also calls for promotion of political representation, to provide citizens with the opportunity to participate freely in the political process.²⁵ Similarly, while the agreed actions to be taken in support of good governance initiatives include the adoption of standards of good governance at national, sub-regional and continental levels only, the programme also calls for the improvement of accountability mechanisms "in our respective countries," without limitation to particular levels of government.²⁶

The Economic and Corporate Governance Initiative focuses on the objective of state capacity building, particularly in the area of implementing regulatory programs. Again, the extent of

²¹NEPAD document, para. 72

²² *Ibid.*, para 83

²³ *Ibid.*, para 84

²⁴ NEPAD. Declaration on Democracy, Political, Economic and Corporate Governance (hereafter Declaration). para 28

²⁵ *Ibid.*, para 13

²⁶ *Ibid.*, para 14

member states' compliance with the principles of this initiative will be monitored through the APRM.²⁷ An element of this initiative that is likely to affect local governments directly is the plan to give priority to public financial management: according to the framework document, "countries will develop a programme for improving public financial management and targets, and assessment mechanisms will also be set."²⁸ The member states have, accordingly, approved eight "prioritised codes and standards for achieving good economic and corporate governance."²⁹ Member states are to comply with the identified standards within their capacities, in light of NEPAD's underpinning philosophy that good economic and corporate governance are "essential pre-requisites for promoting economic growth and reducing poverty."³⁰

The Socio-Economic Development portion of the Declaration on Democracy, Political, Economic and Corporate Governance states that poverty can only be effectively tackled through the promotion of six factors: democracy, good governance, peace and security; the development of human and physical resources; gender equality; openness to international trade and investment; allocation of appropriate funds to the social sector; and new partnerships between governments and the private sector, and with civil society.³¹ The commitment to "foster new partnerships between government and the private sector" stems from the approach that the role of government in an era of globalisation and liberalisation should be primarily in the domain of developing infrastructure and creating a macro-economic environment, while the private sector will be the "veritable engine of economic growth." The responsibility of government, therefore, is to develop human resources and the institutional framework for formulation of economic policy.³²

The African Peer Review Mechanism (APRM)

The APRM is the framework established to monitor compliance of the policies and practices of member states with the principles enunciated in the Declaration on Democracy, Political, Economic and Corporate Governance. It is arguably the most significant component of the NEPAD project; indeed, in the words of one commentator, "the continent's credibility hinges on it.

²⁷ *Ibid.*, para 28

²⁸ NEPAD document, para 91.

²⁹ The codes identified are the following: the Code of Good Practices on Transparency in Monetary and Financial Policies; Code of Good Practices on Fiscal Transparency; Best Practices for Budget Transparency; Guidelines for Public Debt Management; Principles of Corporate Governance; International Accounting Standards; International Standards on Auditing; and the Core Principles for Effective Banking Supervision. Declaration, para 16

³⁰ *Ibid.*, paras 16, 17

³¹ *Ibid.*, para 20

³² *Ibid.*, para 23

If African leaders fail to hold each other strictly accountable to the new principles they espouse, the renaissance is dead.”³³

Participation in the APRM is by voluntary accession.³⁴ The stated purpose of the APRM is to foster practices consistent with the principles by providing member states with the opportunity to share experiences and best practices. The key principles guiding the process are competence, credibility and independence from political manipulation.³⁵ The direction of the APRM will be undertaken by the Panel of Eminent Persons, a panel of between five and seven distinguished individuals appointed for up to four years by the Member states.³⁶

Four types of review will exist under the APRM: an initial country review (within 18 months of acceding to the APRM process); a periodic review (two to four years after joining the APRM); a further review, available on request of the state in question, outside of the regular review process; and a review initiated by other member states, in a “spirit of helpfulness”, if political or economic crisis appears impending.³⁷

The APRM review process also consists of four stages, including an initial review of the country by APRM staff; a visit to the country to carry out the “widest possible consultations” with government officials, members of parliament, political parties, and members of civil society; preparation of a draft report, measuring the extent to which the stated goals of political, economic and corporate governance commitments have been met, and discussion with the government in question concerning the contents of the report; to be circulated to the country representatives for discussion. At the fourth stage, the final report is submitted to the participating heads of state through the APRM secretariat, and the report is considered and adopted.

The enforcement mechanisms of the APRM are, as yet, not clearly defined. The manner in which the process unfolds subsequent to the adoption of a critical report will depend on whether the government in question shows a “demonstrable will” to rectify its shortcomings. In that case, the participating governments will assist as they can. If demonstrable will is not shown, participating governments will engage the government under review in dialogue and offer expertise and other

³³ Herbert, R. 2003. *Becoming My Brother's Keeper*. *E-Africa*, South African Institute of International Affairs, October: 6-10. page 6. Elsewhere, it has been noted that despite the clearly dire consequences of failure of the mechanism, its current form demonstrates that NEPAD leaders “do not yet recognise accountable governance as a relationship of obligation between governments and citizens, rather than between governments.” Nepad should be driven by the people. 2002. *Mail and Guardian*, May 16. [Online]. Available: <http://www.archive.mq.co.za> [2 October 2002].

³⁴ NEPAD. 2003. A Summary of NEPAD Action Plans, “African Peer Review Mechanism.” [Online]. Available: <http://www.touchtech.biz/nepad/files/documents/41.pdf> [1 March 2004] (hereafter Summary of Action Plans), paras 1-2.

³⁵ *Ibid.*, paras 3-4

³⁶ *Ibid.*, paras 7-8.

³⁷ *Ibid.*, para 14.

help. Failing that, governments may signal their attention to implement “appropriate measures” with respect to the government under review.³⁸

The final stage of the APRM process consists of the formal tabling of the report in regional and sub-regional structures, including the Pan-African Parliament, the African Commission on Human and People’s Rights, and the Economic, Social and Cultural Council of the African Union. The Assembly of the African Union may impose sanctions on a member state that fails to comply with its decisions and policies, which include the APRM; these could consist of the denial of transportation and communications links with other Member States and “other measures of a political and economic nature to be determined by the Assembly.”³⁹

At this stage, the extent to which local government will be implicated in the APRM process is not clear. However, it would seem that the proposed country review process could involve consultation with stakeholders at the local level. Further, as outlined above, the Declaration on Democracy, Political, Economic and Corporate Governance does not limit the assessment of member states’ compliance with the identified standards to government at the national level, which suggests that failure by local governments to comply with the objectives set out in the Declaration could conceivably result in a mention in the final country report. Put another way, failure to adopt measures to address embezzlement and corruption at the local government level, for example, might constitute a breach of NEPAD obligations by South Africa.

Infrastructure

Section B of Part V of the NEPAD document addresses the question of “bridging the infrastructure gap.” Within this section of the programme, several elements will likely have direct or indirect consequences for local governments.

The NEPAD document states that “only sub-regional or continental infrastructures”⁴⁰ will be its focus. However, the programme’s proposed “actions” will have effects at the local level, particularly in the following cases:

- Increased investment in infrastructure, especially refurbishment and system maintenance;
- Promotion of community involvement in infrastructure construction, maintenance and management, particularly in poor urban and rural areas, in collaboration with the NEPAD governance initiatives;

³⁸ *Ibid.*, para 24.

³⁹ Constitutive Act of the AU, article 23.

⁴⁰ NEPAD document, para 99.

- Promotion of PPPs as a vehicle for attracting private investment, while building capacity to implement and monitor the agreements.⁴¹

Several specific infrastructure areas are targeted for development: Information and Communications Technologies (ICTs); Energy; Transport (focusing on regional linkages); and Water and Sanitation.⁴²

Of these, initiatives in the area of water and sanitation are likely to have the most direct impact on local governments in South Africa, as these are squarely within the competency of local government. Although the objectives of the programme are articulated at the national and regional levels, the proposed actions, which include supporting the UN Habitat programme on water conservation in African cities, and collaboration with the Global Environmental Sanitation Initiative (GESI), will each have consequences for governments at the local level.⁴³

Human Resource Development

NEPAD also includes a “Human Resource Development Initiative [including reversing the Brain Drain].” The first of these initiatives focuses on poverty reduction. Among the stated actions are the establishment of a gender task team to ensure that women’s issues are addressed; and establishment of a task team to accelerate the adoption of participatory and decentralized processes for the provision of infrastructural and social services.⁴⁴ Here, perhaps more than any other single area, there is a clear nexus between the interests of local government and the objectives of NEPAD. As such, participation in the elaboration of these initiatives would be an important area for local government involvement.

Further elements of the human resources initiative are bridging the education gap and reversing the brain drain, agriculture, and science and technology.⁴⁵ As these programmes are largely geared at projects to be undertaken at the regional level, the proposals contained within are likely, at best, to have a peripheral impact on local government.

The programme also addresses health, proposing to ensure the “necessary support capacity for the sustainable development of an effective health care delivery system.”⁴⁶ Again, the projects proposed are at the national and regional level, consisting of strengthening participation in efforts to reduce the cost of pharmaceutical drugs; mobilizing resources to build effective health care systems; leading the campaign for increased support for efforts concerning HIV/AIDS; and encouraging

⁴¹ *Ibid.*, para 106.

⁴² *Ibid.*, paras 107-117.

⁴³ *Ibid.*, para 117.

⁴⁴ *Ibid.*, para 119.

⁴⁵ *Ibid.*, paras 120-125; 132-137; 145-146.

⁴⁶ *Ibid.*, para 126.

African countries to prioritise health in their own budget processes. Although local governments in South Africa have constitutional responsibility for municipal health services, national and provincial government have concurrent jurisdiction over health services. As such, these efforts will only have a secondary impact on the administration of programmes by local governments.

To date, insofar as implementation of the human resource development component of NEPAD has begun, the emphasis has been on developing health and education as matters of particular urgency.⁴⁷ However, it will be important for local government in South Africa to monitor progress on the setting up of task teams to manage decentralisation of service delivery as the programme is developed.

The Environment

The Environment Initiative includes eight sub-themes targeted for priority interventions. These include combating desertification, wetland conservation, invasive alien species, coastal management, global warming, cross-border conservation areas, environmental governance (creating the capacity to undertake the foregoing initiatives), and financing.

Here, the effects of the various programmes on local government will likely be indirect. However, to the extent that initiatives may affect areas under local government control – for example, projects to conserve wetlands or to combat invasive alien species – local governments may find themselves affected more concretely by these programs. Accordingly, it would be advisable for local government associations to monitor developments in this area and, where necessary, to intervene in policy development.

Within the framework established in NEPAD, the United Nations Environment Program (UNEP) has developed an Environmental Action Plan for the 21st century.⁴⁸ This is discussed more fully below.

V. Related programmes

NEPAD is a component of the structure and programmes of the African Union, a newly constituted inter-governmental organisation with a mandate to promote continental cooperation and convergence. The AU's organs, which are in the process of being established, will include an Assembly, an Executive Council; a Pan-African Parliament; the African Court of Justice; a

⁴⁷ Summary of Action Plans, p. 47

⁴⁸ United Nations Environment Program. 2003. Action Plan of the Environment Initiative of the New Partnership for Africa's Development (NEPAD). [Online]. Available: <http://www.touchtech.biz/nepad/files/documents/113.pdf> [1 March 2004] (hereafter Environment Initiative).

Commission; a Permanent Representatives Committee; Specialised Technical Committees; the Economic, Social, and Cultural Council (ECOSOCC); and the Financial Institutions.⁴⁹

NEPAD has been heavily criticised for its failure to include civil society in the development of the programme.⁵⁰ Accordingly, attention has been focused on the development of the ECOSOCC, an advisory organ to the AU to be composed of different social and professional groups of the Member States of the Union.⁵¹ As such, it will provide the main mechanism for participation of civil society groups with the AU/NEPAD framework. However, it remains to be seen whether the ECOSOCC will provide a meaningful forum for participation by civil society.⁵²

VI. Current initiatives

NEPAD's developmental agenda is already being integrated into existing continental development initiatives, as well as being employed as the reference point for new programs. Some of these are directly relevant to local government.

United Nations Environment Programme

Within the framework established in NEPAD, the United Nations Environment Program (UNEP) has developed an Environmental Action Plan for the 21st century.⁵³ The Plan includes recommendations for programmatic action in the areas outlined in the NEPAD document. A number of areas were identified for action at a thematic NEPAD workshop on coastal and marine resources held at Abuja, Nigeria, in February 2003. Notably, these include projects concerning Municipal Solid Waste Management and enhancement of Environmental Quality in Sub-Saharan Africa, and management of municipal sewage in Southern Africa through appropriate technologies.⁵⁴ Further projects of particular interest to local governments are included in the proposed areas for action pertaining to Environmental-Sustainable Development in Coastal Areas: augmenting urban water resources, groundwater vulnerability, and transboundary aquifer management.⁵⁵

⁴⁹ Constitutive Act of the AU, article 5

⁵⁰ United Nations Report, para 59

⁵¹ Constitutive Act of the AU, article 22

⁵² Sturman, K & Cilliers, J. 2003. Bringing people's power to the African Union? *African Security Review* 12(1), [Online] Available: <http://www.iss.co.za/pubs/ASR/12no1/Esturman.html> [20 January 2004].

⁵³ Environment Initiative, note 48.

⁵⁴ *Ibid.*, para 73.

⁵⁵ *Ibid.*, para 77.

A task team is developing an action plan on tourism, which was to be finalised for implementation before the end of 2003.⁵⁶

UN Habitat: Sustainable NEPAD cities programme

UN Habitat is cooperating with the NEPAD Secretariat in a Sustainable NEPAD Cities Programme, with the objective of developing the investment potential of African cities in areas ranging from basic services to tourism and international trade. Durban is one of seven cities selected for participation in the programme. The first phase will produce a framework profile for each city, upon which development proposals for the cities will eventually be based. Four broad sectors will be addressed in the framework profile:

- Local governance and municipal management
- Land, housing, basic urban services, and environment;
- Local and regional economy and tourism;
- Institutional management of the programme.⁵⁷

The programme was endorsed by the Assembly of the AU at the Maputo summit in June 2003.⁵⁸

The United Nations Development Programme

The UNDP is primarily involved with NEPAD through financial support of the NEPAD secretariat. Other projects include:

- Promoting political governance and democracy in Africa, including through assistance of the Secretariat with respect to finalising the APRM;
- Creating a Technical Support Facility to allow NEPAD to mobilize expertise from a variety of disciplines;
- Establishing a NEPAD Advisory Panel, consisting of Africans from constituencies, such as academia, civil society, government and the private sector, to provide guidance on NEPAD's future directions and ensure that the initiative is well known throughout the region;
- Developing a Communication and Popularization Strategy to incorporate a common approach for NEPAD and the African Union;

⁵⁶ United Nations Report, para 22.

⁵⁷ NEPAD cities – a new priority in Africa's development. 2003. *NEPAD Dialogue: Focus on Africa*, 23(October):1-3. [Online]. Available: http://www.touchtech.biz/nepad/files/newsletter_23.html [27 November 2003]. pp. 2-3

⁵⁸ African Union. 2003. *Decision on promoting the development of sustainable cities and towns in Africa*. (Assembly/AU/Dec 29(II)), [Online]. Available: <http://www.africa-union.org> [1 March 2004].

- Translating the concept of the “new partnership” into development cooperation policies, principles and practices which ensure African ownership;
- Promoting in African countries NEPAD objectives in tandem with the Millennium Development Goals.⁵⁹

e-Africa Initiative for Good Governance

NEPAD has established an e-Africa Commission to act as a task team in the development of the ICT sector, identified as one of the NEPAD priority areas. Its work will include determining how development of the ICT sector can assist in achieving the other objectives of NEPAD, notably the objective of improving governance. The Commission has been established in partnership with the United Nations Department of Economic and Social Affairs and the African Training and Research Centre in Administration for Development.

The framework for action for the e-governance initiative states that its mission will be to strengthen the institutional capacity of the African governance system, at the regional, central and local levels. The program will provide support in the areas of e-readiness; enabling environment; public participation and private sector engagement; institutional capacity building; and monitoring, learning and knowledge management. Among the anticipated outcomes are decentralization and a redefined role for local government.⁶⁰ The commission has noted, “particular attention should be paid to local e-government, where government services and political activity is closest to the citizen, and which often boasts the most innovative initiatives.”⁶¹ The work of the e-governance initiative will include cooperation with existing programs to bring ICT to local governments, in addition to providing new services, including training, technical and advisory support to local governments.⁶²

AU/NEPAD Outreach – workshops on linking local government and NEPAD

⁵⁹ UNDP. 2003. UNDP bolsters NEPAD with nearly \$2 million financial contribution. February 13, 2003. [Online] Available: <http://www.undp.org/dpa/pressrelease/releases/2003/february/13feb03.html> [1 March 2004].

⁶⁰ e-Africa Initiative for Good Governance. 2002. Building e-governance capacity in African countries: Framework for Action. October [Online]. Accessible: <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN012492.pdf>.

⁶¹ e-Africa Initiative for Good Governance. 2003. e-Africa 2003 Expert consultative meeting on building e-governance in African countries: High Level Strategy Draft. Tangier, Morocco, 20-22 October 2003. [Online] Accessible: <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN012559.pdf> at p. 3.

⁶² CAFRAD. 2002. e-Africa 2002: Building e-Governance Capacity in African countries – project proposal. [Online]. Accessible: <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN012559.pdf> at p. 24.

An Outreach programme, intended to popularise the AU and NEPAD, was set up by the President of South Africa in February 2002 and coordinated by the Africa Institute of South Africa.⁶³ Under this programme, workshops on linking NEPAD with local development planning were held in OR Tambo Local Government and Tshwane Metro in May and June 2003.

Unsurprisingly, the conclusions of the workshop regarding the implications of NEPAD for local government were drawn at a very general level. Participants concluded that NEPAD could be seen as development model to be followed by local partners; a framework of development action; and an impetus for “decisive relevant development planning.” NEPAD was perceived as a common concept to rally stakeholders in the development process. More specifically, it could be used as a framework to guide the development process, by requiring that communities work on the basis of specific priorities and projects; form strategic partnerships in the operationalisation of programmes; ensure inclusivity, by involving beneficiaries and other stakeholders in the development process, particularly implementation; and think beyond districts and provinces in major development initiatives. Participants viewed NEPAD as encouraging a problem-solving approach to development, and requiring that development be people-oriented, contextualised, domesticated, and “based on intelligent interaction with outsiders.”⁶⁴

NEPAD and the G8

The NEPAD programme has been partially embraced by G8 countries.⁶⁵ At the Kananaskis summit, the G8 pledged \$6 billion to African assistance, well short of the estimated \$64 billion needed for the NEPAD programs. Further, the G8 indicated that, rather than accepting the programme as a whole, “each one of us will decide, in accordance with our respective policies and procedures, how we will allocate the money we have pledged.” Notably, G8 leaders at that summit did not address the problem that is at the heart of NEPAD –the manner in which the international trade regime impoverishes Africa.⁶⁶

Moreover, a lack of ongoing commitment by Western states to the funding of NEPAD may ultimately imperil the programme. As some commentators have noted, notwithstanding its rhetoric

⁶³ South Africa. Department of Foreign Affairs. 2002. Outreach Programme for the African Union (AU) and New Partnership for Africa's Development (NEPAD). Updated 28 June 2002. [Online]. Accessible: <http://www.dfa.gov.za/events/aureach.htm>. Due to funding problems, the popularisation programme has been discontinued (see Zondi, below).

⁶⁴ Zondi, S. 2003. NEPAD: Taking the Commodity to the Consumers. [Online]. Available: http://www.ai.org.za/print_monograph.asp?ID=6 [27 November 2003].

⁶⁵ Information about the specific projects undertaken by G8 members may be found in the *Implementation Report by Africa Personal Representatives to Leaders on the G8 Africa Action Plan*. Evian: 1 June 2003. [Online]. Accessible: <http://www.g7.utoronto.ca/summit/2003evian/apr030601.html>.

⁶⁶ Nepad, shmepad. 2002. *Mail and Guardian*. July 12. [Online]. Accessible: <http://archive.mg.co.za> [2 October 2002].

of empowerment, NEPAD is not unlike previous development programmes in its ultimate dependence on Western funding.⁶⁷ The programme also calls for a rethinking of the development relationship, envisioning a dynamic between donors and developing states that would be an “enhanced partnership,” with the objective of increasing African control of development initiatives, notably through joint monitoring of outcomes. This concept of enhanced partnership, with its consequent loss of control by donors, is less acceptable to some G8 member states than to others.⁶⁸

At an individual level, however, some governments have undertaken new projects within the NEPAD framework. For example, as part of its commitments under NEPAD, the Canadian government is supporting a Local Government Support Program, in partnership with the African Union of Local Authorities and other local and regional organizations. The Program’s objectives include increasing the effectiveness of decentralization policies; enhancing the delivery of municipal services; development of strong management skills; and contribution to research and best practices on African decentralization. The program supports organizations working on local government issues; assists with national policy development on local governance and decentralization; works to develop local municipal capacity to improve service delivery; and aims to increase public participation and access to local government by the poor, marginalized and women. The first phase of the project is currently underway in Tanzania, Ghana, Mali, and Mozambique.⁶⁹

VII. Comments and overview

At the present time, local governments in most African states have limited functions. In many member states of the African Union, local government is primarily viewed as the administrative arm of other levels of government, particularly the national one. Accordingly, the minimal role ascribed to local government in the NEPAD framework must be assessed within a broader context in which governments at the local level are not seen as an important vehicle for the delivery of developmental goals.

⁶⁷ Kim, J. 2003. Africa's Sustainable Development and the Establishment of NEPAD. 5 December 2003. [Online]. Accessible: http://www.ai.org.za.print_monograph.asp?ID=15. Kamidza, R., Matlosa, K. & Mwanza, A. 2003. The Role of the State in Development in the SADC region: does NEPAD provide a new paradigm? [Online]. Accessible: http://www.aidc.org.za/web/nepad/role_of_state.html. [2 March 2004].

⁶⁸ De Waal, A. p. 470

⁶⁹ Canada. Canadian International Development Agency. 2002. *Canada Fund for Africa*. [Online]. Accessible: <http://www.acdi-cida.gc.ca/canadafundforafrica> [19 January 2004].

The situation in South Africa, however, is somewhat different. One of the five stated objects of local government in the 1996 Constitution is the promotion of social and economic development.⁷⁰ Further, section 153 assigns “developmental duties” to local government, providing that:

A municipality must –

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes.

The constitutional recognition of the role that local government can play in the achievement of developmental goals reflects the South African government’s broader orientation towards decentralisation as a pivotal factor in development.⁷¹ The success of this model of development, however, is dependent on recognition of the importance of individual choice in the development process: in order for development to be sustainable, the people involved must be capacitated to make choices about the manner in which their needs can be met.⁷² Viewed in this way, local government can be an important vehicle for the expression of choice and for popular participation in the achievement of developmental goals.

The components of the NEPAD program that will have direct and indirect effects on local government, summarized below, may be seen as opportunities for local governments in South Africa to participate in the development process, both as vehicles for citizen participation and expression of citizen choice, and as the level of government that is most directly implicated in the delivery of services and the achievement of developmental goals. Indeed, it may be argued that in order for the ambitious goals of the NEPAD agenda to be attained, local governments will have to play a much more significant role in the elaboration and implementation of the NEPAD framework.

The following comments summarise the aspects of the NEPAD programme identified earlier in this paper that will implicate local governments in their development and implementation.

- The Peace, Security and Political Governance Initiative: this element of NEPAD sets out the standards against which states acceding to the APRM (of which South Africa is one) will be

⁷⁰ *The Constitution of the Republic of South Africa, No 108 of 1996*, section 152(1)(c).

⁷¹ Mbeki, T. 2003. Guardian Lecture: Nigerian Institute of International Affairs. 4 December 2003. [Online]. Accessible: <http://www.polity.org.za/components/print/asp?id=4490> [19 January 2004].

⁷² Mastenbroek, R. & Steytler, N.C. 1997. Local Government and development – the new constitutional enterprise. *Law Democracy and Development*. 1 (November 1997) 233-249.

assessed. It is conceivable that the APRM process will include evaluation of the performance of local governments with respect to the standards of transparency, participation, application of the rule of law, and equality rights set out in the Declaration, as well as the standards of economic governance found in the various international codes of conduct adopted by the member states. However, given the limited functions of local government in most of Africa, discussed above, this is unlikely to be an area of immediate concern to the APRM.

- Infrastructure projects: apart from a general commitment to increased investment in infrastructure, several areas have been identified for action, including water and sanitation. Projects undertaken under the auspices of the UN Habitat program regarding water conservation in African cities may involve local governments directly. In South Africa, water and sanitation systems (limited to potable water supply systems and domestic waste-water and sewage disposal systems) are an area of municipal government competency, meaning that local government has the primary responsibility for legislation in that area.⁷³

Further, local governments may wish to refer to the principles enunciated in the NEPAD in the development of their own projects and integrated development plans (IDPs), in accordance with the NEPAD framework's call for the promotion of community and user involvement in infrastructure construction, maintenance and management.

- The Human Resource Development Initiative of NEPAD stresses decentralisation in the provision of social services. Local governments should target this as a priority area for seeking to engage with the process of developing programmes, as decentralisation will clearly implicate local governments in service delivery.

In South Africa, local governments have the constitutional authority to administer matters relating to childcare facilities and municipal health services.⁷⁴ Moreover, the role of local government in providing a vehicle for the expression of citizen choice can be significant in this area. The focus of the NEPAD framework on poverty reduction, as well as the participation of women, accords closely with the development objectives of local government as set out in the South African constitution. Local government can play a central role in elaborating and implementing initiatives relating to human resource development, as the level of government most apt to assess local needs and provide a vehicle

⁷³ 1996 Constitution, schedule 4B

⁷⁴ *Ibid.*, schedule 4B

for citizen participation in the process of planning and implementation of development initiatives.

- The Environment Initiative is likely to have direct and indirect impacts on local government. Programmes are already underway in this area, including projects concerning municipal solid waste management, management of municipal sewage, and augmenting urban water resources.

Again, given the constitutional authority assigned to South African municipal governments for these areas,⁷⁵ local governments should monitor the development of these initiatives and their possible implications in terms of channelling funding for local projects. Further, local governments can provide a locus for popular involvement in the process of identifying problem areas and assessing the possible impacts of environmental initiatives on different segments of local populations.

- A Tourism Initiative is under development. In South Africa, local tourism is an area of municipal government competence.⁷⁶ Further, tourism is inherently local in nature, as it involves use of local facilities and services by visitors from outside the community. Given the multifaceted effects of tourism on local areas, including economic, environmental, and social impacts, as well as resulting changes in community life such as increased traffic, noise and use of local amenities, local governments should closely monitor the development of the tourism initiative and be actively involved in its elaboration and implementation.
- The UN Sustainable Cities Programme aims to improve the investment potential of African cities. It will study four aspects of seven participating cities, including Durban, South Africa: local governance and municipal management; land, housing, basic urban services and the environment; local and regional economy and tourism; and institutional management of the programme. Local governments should monitor the development and recommendations of this programme as it continues.

⁷⁵ Municipal governments in South Africa have responsibility for water and sanitation systems in 4B, as noted above, and for refuse removal, refuse dumps and solid waste disposal. *Ibid.*, Schedule 5B.

⁷⁶ *Ibid.*, schedule 4B

- Projects in developing information and communications technology (ICT): the E-governance Initiative focuses on using technology to improve governance, with particular emphasis on government at the local level. Local governments should explore the opportunities for expanding their own capacity under this programme.

Conclusion

The NEPAD programme primarily consists of a set of principles to guide relationships between African states and the developed world within the context of globalisation. Although a number of projects are identified for action, they are largely envisioned at the state, regional and continental levels.

That said, the NEPAD framework does provide opportunities for local government involvement and capacity building, and projects already underway have directly implicated local authorities. It will be of great importance for local governments to monitor the evolution of the NEPAD programme, to participate in the elaboration of projects that may have local implications, and to seize opportunities for local development that arise under the NEPAD framework. In South Africa, where local governments have a constitutional mandate to promote social and economic development, NEPAD can provide local authorities with important opportunities to advance their development agendas.

By its very nature, local government lends itself to the fulfilment of developmental goals at the level closest to the people. As a result, the very success of the NEPAD project may depend on its ability to harness the developmental capacity of local governments to achieve its ends.